

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 219

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Sub-Chapter 1

Organizational Rules

24.219.101 BOARD ORGANIZATION (1) The board of social work examiners and professional counselors hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-22-201, MCA; IMP, 2-4-201, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 2

Procedural Rules

24.219.201 PROCEDURAL RULES (1) The board of social work examiners and professional counselors hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-22-201, MCA; IMP, 2-4-201, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 3

Definitions

24.219.301 DEFINITIONS (1) "Psychosocial methods" means those professional techniques which are identified as clinical in nature and:

(a) enhance the problem solving and coping capacity of people;

(b) link people with systems that provide them with resources, services and opportunities;

(c) promote effective and humane operation of these systems; and

(d) contribute to the development and improvement of social policy.

(2) "Direct client contact" means physical presence, telephonic presence, or interactive video link presence of the client, client family member, or client representative.

(3) "Qualified supervisor" means a licensed social worker, licensed psychologist, or a licensed and board-certified psychiatrist. A licensed psychologist or psychiatrist shall only qualify to supervise one half of the total hours required, with a licensed social worker supervisor required for at least half.

(4) "Direct observation" of service delivery means participation in the service delivery, observation through a two-way mirror, observation of a video or audiotape of the service delivery, or observation through an interactive video link of the service delivery.

(5) "Psychotherapy and counseling" means the therapeutic process of:

(a) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(b) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional or behavioral disorders and associated distresses that interfere with mental health. (History: 37-22-201, MCA; IMP, 37-22-102, 37-22-201, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1991 MAR p. 1931, Eff. 10/18/91; AMD, 1993 MAR p. 3015, Eff. 12/24/93; AMD, 2001 MAR p. 558, Eff. 4/6/01; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 4

General Provisions

24.219.401 FEE SCHEDULE FOR SOCIAL WORKERS

- | | |
|---|------|
| (1) Application fee | \$50 |
| (2) Original license fee | 50 |
| (3) Renewal fee (based on annual renewal) | 100 |
| (4) Renewal fee (inactive to active) | 100 |

(History: 37-22-201, 37-22-302, 37-22-304, MCA; IMP, 37-1-134, 37-22-301, 37-22-302, 37-22-303, 37-22-304, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1985 MAR p. 108, Eff. 2/1/85; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1990 MAR p. 1171, Eff. 6/15/90; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 2003 MAR p. 559, Eff. 3/28/03; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.402 through 24.219.404 reserved

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS

- | | |
|--------------------------------------|------|
| (1) Application fee | \$50 |
| (2) Original license fee | 50 |
| (3) Renewal fee | 100 |
| (4) Renewal fee (inactive to active) | 100 |

(History: 37-23-103, MCA; IMP, 37-1-134, 37-23-206, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1990 MAR p. 1171, Eff. 6/15/90; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 2003 MAR p. 559, Eff. 3/28/03; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 5

Application Procedures for Social Workers

24.219.501 APPLICATION PROCEDURES

(1) Any person seeking licensure must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) Completed applications must be accompanied by:

(a) application fee;

(b) verification of the applicant's doctorate or masters degree in social work provided directly from the school to the board office; and

(c) three reference letters as required by 37-22-301(2), MCA, including one from the applicant's supervisor, which shall include:

(i) inclusive dates and total hours of supervision in increments no less than 15 minutes;

(ii) names of applicant, supervisor (include type of license and number) and signature of both;

(iii) content summary (excluding confidential information);

(iv) recommendation to approve for licensure or not;
(v) number of supervised hours satisfactorily completed;
and
(vi) supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentations and a violation of professional ethics which may result in discipline of the supervisor's license.

(3) The applicant shall be notified in writing, of the results of the evaluation of the application for examination.

(4) The license will be effective as of the date all requirements, including payment of the original license fee, are met. An applicant shall not work as a licensed social worker until the effective date of the license. (History: 37-22-201, MCA; IMP, 37-22-301, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1994 MAR p. 26, Eff. 12/24/93; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.502 and 24.219.503 reserved

24.219.504 LICENSURE REQUIREMENTS (1) For the purpose of meeting the 3,000-hour requirement of 37-22-301(2)(b), MCA, an applicant shall provide verification of the following:

(a) 3,000 supervised hours spent providing psychotherapy or clinical social work services to individuals, families, and groups, of which at least 50% shall include the application of psychosocial methods in direct client contact;

(b) supervision, on a form approved by the board, which shall include at least 100 documented hours of individual or group supervision by a qualified supervisor. At least 50% of the 100 hours shall be individual and face-to-face by a licensed social worker, and at least 10 hours of which includes direct observation of the service delivery. Each supervisory session shall be documented with the following information:

(i) date and length of supervision in increments not less than 15 minutes;

(ii) names of applicant, supervisor (including type of license and number) and signatures of both;

(iii) content summary (excluding confidential information).

(c) supervision which has been conducted on a regular basis. No more than 160 hours of social work experience shall transpire without providing at least two hours of supervision. Less frequent supervision may take place under unusual circumstances only with prior approval by the board.

(d) supervisor's experience and expertise with the applicant's client population (i.e. child, adolescent, adult, chemically dependent) and methods of practice (i.e. individual, group, family, crisis or brief interventions).

(e) supervisor's relationship with the applicant which shall not constitute a conflict of interest, such as (but not limited to) being in a cohabitation or financially dependent relationship with the applicant, or being the applicant's

parent, child, spouse or sibling.

(f) a supervision agreement in writing and in a format approved by the board. The agreement shall include, but not be limited to:

(i) the applicant's and supervisor's names, signature and dates;

(ii) terms of the agreement including financial compensation, frequency and method of supervision, duration and termination provision; and

(iii) a statement of confidentiality and the supervisor's qualifications.

(2) The 3,000 hours shall have been completed in their entirety at the time of submission of the application.

(History: 37-22-201, MCA; IMP, 37-22-102, 37-22-201, 37-22-301, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1993 MAR p. 1325, Eff. 6/25/93; AMD, 1994 MAR p. 26, Eff. 12/24/93; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.505 through 24.219.508 reserved

24.219.509 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) An inactive status license does not entitle the holder to practice as a licensed social worker in the state of Montana. Upon application and payment of the appropriate fee, the board may reactivate an inactive license if the applicant does each of the following:

(a) signifies to the board in writing that, upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana; and

(b) presents satisfactory evidence that the applicant has not been out of active practice for more than five years; and that the applicant has attended 20 hours of continuing education per year of inactive status with a maximum of 40 hours of continuing education which comply with the continuing education rules of the board, and is approved by the board. The continuing education hours must have been acquired within the 24 months immediately preceding application to reactivate; and

(c) submits certification from the social work licensing body of all jurisdictions where the applicant is licensed or has practiced, that the applicant is in good standing and has not had any disciplinary action taken against the applicant's license, or if the applicant is not in good standing by that jurisdiction, an explanation of the nature of the violation(s) resulting in that status, including the extent of the disciplinary treatment imposed. (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-319, MCA; NEW, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.510 and 24.219.511 reserved

24.219.512 LICENSURE OF OUT-OF-STATE APPLICANTS (1) A license to practice as a social worker in the state of Montana may be issued to the holder of an out-of-state social worker

license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and the required application fee. The candidate must meet the following requirements:

(a) The candidate holds a valid and unrestricted license to practice as a social worker in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s);

(b) The candidate holds a MSW or equivalent council on social work education (CSWE) approved degree, and shall supply a copy of the certified transcript sent directly from a college, university or institution accredited by the CSWE;

(c) The candidate shall supply proof of successful completion of the American association of state social work boards (AASSWB) advanced or clinical examination or another board-approved licensing examination. Candidate scores on the examination must be forwarded directly to the board.

(d)(i) The candidate shall submit proof the candidate has previously completed 3,000 hours of supervised social work experience as defined in 37-22-301, MCA. The candidate may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the candidate; or

(ii) The candidate shall submit proof the candidate has been in continuous practice as a social worker in another jurisdiction for the two years immediately preceding the date of application in Montana. (History: 37-22-201, MCA; IMP, 37-1-304, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 6

Application Procedures for Professional Counselors

24.219.601 APPLICATION PROCEDURE (1) Any person seeking licensure as a professional counselor must apply on the board's official forms which may be obtained through the board office. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) Completed applications must be accompanied by:

(a) application fee;

(b) all verifications, transcripts, etc., as requested on the application; and

(c) three nomination letters as required by 37-23-202(1)(d), MCA.

(3) The applicant shall be notified in writing of the results of the evaluation of the application.

(4) The license will be effective as of the date all requirements, including payment of the original license fee, are met. An applicant shall not work as a licensed professional counselor until the effective date of the license. (History:

37-23-103, MCA; IMP, 37-23-202, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.602 and 24.219.603 reserved

24.219.604 LICENSURE REQUIREMENTS (1) For the purpose of 37-23-202, MCA, a planned graduate program of study is one which requires 60 semester hours (90 quarter hours), primarily counseling in nature, six semester hours (nine quarter hours) of which were earned in an advanced counseling practicum which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling. An institution accredited to offer such a degree program is a college or university accredited by various associations of colleges and secondary schools. The planned graduate program shall be recognized by the department chairman or an equivalent position. The applicant's planned graduate program shall meet the following minimum board requirements: an identifiable starting date evidenced by a letter of admission to the program, or other similar document; completion of CACREP core courses as evidenced by submission of a summary sheet on education on a form prescribed by the board; acceptance of a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs; and acceptance of credits granted six years or less from the applicant's date of graduation from the planned graduate program. Credits shall be completed in the following areas:

- (a) counseling theory;
- (b) counseling techniques; and
- (c) supervised counseling experience (this practicum shall be practica taken at the graduate school level which includes supervision by a counselor educator with a minimum of one hour of face-to-face consultation with the supervisor for every 10 hours of practicum site experience) and at least six hours in each of the following areas:

- (i) Human growth and development includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological and physiological approaches. Also included are areas such as human behavior (normal and abnormal), personality theory and learning theory, and demonstrated competence and familiarity in the use of current professional diagnostic manuals.

- (ii) Social and cultural foundations includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time and differing life patterns.

- (iii) The helping relationship includes philosophic bases of the helping relationship, consultation theory and/or an emphasis on the development of counselor and client (or consultee) self-awareness and self-understanding.

- (iv) Groups includes theory and types of groups, as well

as descriptions of group practices, methods dynamics and facilitative skills. It includes either a supervised practice and/or a group experience.

(v) Life-style and career development includes areas such as vocational-choice theory, relationship between career choice and life-style, sources of occupational and educational information, approaches to career decision-making processes and career-development exploration techniques.

(vi) Appraisal of the individual includes the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, case-study approaches and the study of individual differences. Ethnic, cultural and sex factors are also considered.

(vii) Research and evaluation includes areas such as statistics, research design and development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, program development and demonstration proposals, as well as the development and evaluation of program objectives.

(viii) Professional orientation includes goals and objectives of professional counseling organizations, codes of ethics, legal consideration, standards of preparation, certification and licensing and role identity of counselors.

(2) "Advanced counseling practicum" shall include:

(a) Supervision by licensed program faculty to include:

(i) a minimum of 30 hours individual face-to-face consultation and review with supervisor;

(ii) a minimum of 45 hours small group supervisory consultation with supervisor and peers in practicum program;

(b) A minimum of 200 clock hours of service to clients which includes:

(i) a minimum of 80 hours offering face-to-face direct service to individual, family and group clients;

(ii) an additional 45 hours which may include any of the above plus audio and videotape review, two-way mirror observations, research, writing case notes, collateral contacts and any other non-specified activities deemed appropriate by the practicum supervisor to enhance the student's expertise in providing services to the client population.

(3) "3,000 hours" is defined as clock hours of experience working in a counseling setting. The hours shall have been completed in their entirety at the time of submission of the application.

(a) 1,500 of these hours may be obtained prior to completion of the academic degree. This can include hours earned in practicums, internships and work sites approved by the program faculty.

(i) Exclusive of the advanced practicum requirement, the degree candidate shall receive one hour of face-to-face supervision and/or consultation for every 15 hours of work from a licensed mental health professional, a licensed member of the faculty staff or an on-site counseling professional deemed appropriate by the faculty staff.

(ii) Appropriate sites for this pre-degree counseling experience is left to the discretion of the counseling faculty of the institution offering the degree.

(iii) All treatment interventions and assessment results and interpretations shall be reviewed and approved by the supervisor or appropriate faculty prior to their use or implementation.

(b) At least 1,500 hours must be obtained post-degree and after all of the academic requirements have been completed, which shall include at least:

(i) 1,000 hours direct face-to-face client contact in a clinical setting. No more than 250 client contact hours of which may be in a group or co-facilitative counseling situation.

(ii) Clinical setting is defined as any public and/or private agency whose primary functions are:

(A) conducting psychosocial assessments and diagnoses for the purpose of establishing treatment goals and objectives;

(B) planning, implementing and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional or behavioral disorders and associated distresses that interfere with mental health, social functioning, or the functioning of established social units;

(C) selecting, administering, scoring, and interpreting psychosocial assessment instruments to assess personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with or adapting to changing life situations;

(D) implementing counseling treatment interventions using those cognitive, affective, behavioral sciences that are specifically implemented in the context of a therapeutic relationship; or

(E) evaluating information to identify needs or problems of an individual or social units to determine the advisability of referral to other specialists, informing the individual(s) of the judgment, and communicating as requested or considered appropriate with the referral sources.

(c) All reports and/or assessment interpretations and results sent to other public or private agencies that affects the current social status of a client must be reviewed by and contain the approval and signature of the trainee's supervisor. These reports shall identify the supervisee's "in training" non-licensed status.

(d) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and pre-approved by the trainee's supervisor on a continual and on-going basis.

(e) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's "in-training" and non-licensed status.

(f) The applicant must receive a minimum of one hour of face-to-face supervision and consultation for every 20 hours of work experience. No more than 80 hours of work experience may

transpire without receiving the required hours of supervision and/or consultation. Less frequent supervision may take place only with prior approval of the licensure board. Any hours earned without appropriate supervision will not be counted towards licensure.

(g) The supervision guidelines are as follows:

(i) must be a licensed mental health professional in the state of residence;

(ii) the supervision agreement shall be in writing and in a format approved by the board. The agreement shall include, but not be limited to:

(A) the applicant's and supervisor's names, signatures and dates;

(B) terms of the agreement including financial compensation, frequency and method of supervision, duration and termination provision; and

(C) a statement of confidentiality and the supervisor's qualifications.

(iii) supervisor's relationship with applicant shall not constitute a conflict of interest, such as, but not limited to, being in a cohabitation or financially dependent relationship with the applicant, or being the applicant's parent, child, spouse or sibling;

(iv) a final log detailing dates and durations of supervisory contacts and issues discussed during these contacts may be requested by the board;

(v) supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentation and a violation of professional ethics, which may result in discipline of the supervisor's license.

(4) If an applicant fails the examination, the applicant may retake the examination upon payment of the exam fee.

(5) Notwithstanding the above 60 semester hour requirement, an applicant otherwise qualified for licensure, may apply for licensure if they possess a minimum 45 semester hour graduate degree that is primarily related to counseling and is from an institution accredited to offer a graduate program in counseling, if they complete such additional graduate hours approved by this board as necessary to fulfill the requirements of (1)(a) within five years from the date of review by this board. (History: 37-1-131, 37-23-103, MCA; IMP, 37-23-202, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1989 MAR p. 319, Eff. 2/24/89; AMD, 1993 MAR p. 1325, Eff. 6/25/93; AMD, 1994 MAR p. 26, Eff. 12/24/93; AMD, 1997 MAR p. 986, Eff. 6/3/97; AMD, 2001 MAR p. 558, Eff. 4/6/01; AMD, 2003 MAR p. 14, Eff. 10/18/02; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.605 through 24.219.608 reserved

24.219.609 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) An inactive status license does not entitle the holder to practice as a licensed professional counselor in the state of Montana. Upon

application and payment of the appropriate fee, the board may reactivate an inactive license if the applicant does each of the following:

(a) signifies to the board in writing that, upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana; and

(b) presents satisfactory evidence that the applicant has not been out of active practice for more than five years; and that the applicant has attended 20 hours of continuing education per year of inactive status with a maximum of 40 hours of continuing education which comply with the continuing education rules of the board, and is approved by the board. The continuing education hours must have been acquired within the 24 months immediately preceding application to reactivate;

(c) submits certification from the licensed professional counselor licensing body of all jurisdictions where the applicant is licensed or has practiced that the applicant is in good standing and has not had any disciplinary action taken against the applicant's license, or if the applicant is not in good standing by that jurisdiction, an explanation of the nature of the violation(s) resulting in that status, including the extent of the disciplinary treatment imposed. (History: 37-1-319, 37-23-103, MCA; IMP, 37-1-319, MCA; NEW, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.610 and 24.219.611 reserved

24.219.612 LICENSURE OF OUT-OF-STATE LICENSED APPLICANTS

(1) A license to practice as a licensed professional counselor in the state of Montana may be issued to the holder of an out-of-state licensed professional counselor or equivalent license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and the required application fee. The candidate must meet the following requirements:

(a) The candidate holds a valid and unrestricted license to practice as a licensed professional counselor or equivalent in another state or jurisdiction, which was issued under standards substantially equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s);

(b) The candidate holds a graduate degree which meets the requirements of 37-23-202, MCA, and shall supply a copy of the certified transcript sent directly from an accredited college, university or institution, and shall complete the degree summary sheet provided by the board;

(c) The candidate shall supply proof of successful completion of the national counselor examination or another board-approved licensing examination. Candidate scores on the examination must be forwarded directly to the board.

(d)(i) The candidate shall submit proof the candidate has previously completed 3,000 hours of supervised counseling

practice as defined in 37-23-202, MCA. The candidate may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the candidate; or

(ii) The candidate shall submit proof the candidate has been in continuous practice as a licensed professional counselor or equivalent in another jurisdiction for the two years immediately preceding the date of application in Montana. (History: 37-23-103, MCA; IMP, 37-1-304, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.613 and 24.219.614 reserved

24.219.615 ANNUAL LICENSE RENEWAL (1) Professional counselor licenses expire on December 31 of each year. Current licenses expire December 31, 1987. Fees for initial licenses issued other than the uniform renewal date will be prorated. (History: 37-1-134, 37-23-103, 37-23-205, MCA; IMP, 37-23-205, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 7 reserved

Sub-Chapter 8

Rules of Ethics

24.219.801 CODE OF ETHICS - LICENSED CLINICAL SOCIAL WORKERS (1) Pursuant to 37-22-201 and 37-23-103, MCA, the board hereby adopts the following professional and ethical standards for licensed professional counselors and licensed social workers to ensure the ethical, qualified, and professional practice of social work and professional counseling for the protection of the general public. These standards supplement current applicable statutes and rules of the board. A violation of the following is considered unprofessional conduct as set forth elsewhere in rule and may subject the licensee to such penalties and sanctions provided in 37-1-136, MCA.

(2) A licensed professional counselor or licensed social worker shall abide by the following code of professional ethics.

(a) Licensees shall not:

(i) commit fraud or misrepresent services performed;

(ii) divide a fee or accept or give anything of value for receiving or making a referral;

(iii) violate a position of trust by knowingly committing any act detrimental to a client;

(iv) exploit in any manner the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;

(v) engage in or solicit sexual relations with a client, or commit an act of sexual misconduct or a sexual offense if such act, offense or solicitation is substantially related to the qualifications, functions, or duties of the licensee;

(vi) condone or engage in sexual harassment. Sexual harassment is defined as deliberate or refuted comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient;

(vii) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age or national origin;

(viii) provide professional services while under the influence of alcohol or other mind altering or mood altering drugs which impair delivery of services; or

(ix) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading.

(b) All licensees shall:

(i) provide clients with accurate and complete information regarding the extent and nature of the services available to them;

(ii) terminate services and professional relationships with clients when such services and relationships are no longer required or where a conflict of interest exists;

(iii) make every effort to keep scheduled appointments;

(iv) notify clients promptly and seek the transfer, referral, or continuation of services pursuant to the client's needs and preferences if termination or interruption of services is anticipated;

(v) attempt to make appropriate referrals pursuant to the client's needs;

(vi) obtain informed written consent of the client or the client's legal guardian prior to the client's involvement in any research project of the licensee that might identify the client or place them at risk;

(vii) obtain informed written consent of the client or the client's legal guardian prior to taping, recording, or permitting third party observation of the client's activities that might identify the client or place them at risk;

(viii) safeguard information provided by clients. Except where required by law or court order, a licensee shall obtain the client's informed written consent prior to releasing confidential information; and

(ix) disclose to and obtain written acknowledgement from the client or prospective client as to the fee to be charged for professional services and/or the basis upon which the fee will be calculated. (History: 37-22-201, 37-23-103, MCA; IMP, 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA; NEW, 2003 MAR p. 2294, Eff. 10/17/03; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.802 and 24.219.803 reserved

24.219.804 CODE OF ETHICS - LICENSED PROFESSIONAL COUNSELORS (1) Pursuant to 37-22-201 and 37-23-103, MCA, the board hereby adopts the following professional and ethical standards for licensed professional counselors and licensed social workers to ensure the ethical, qualified, and professional practice of social work and professional counseling for the protection of the general public. These standards

supplement current applicable statutes and rules of the board. A violation of the following is considered unprofessional conduct as set forth elsewhere in rule and may subject the licensee to such penalties and sanctions provided in 37-1-136, MCA.

(2) A licensed professional counselor or licensed social worker shall abide by the following code of professional ethics.

(a) Licensees shall not:

(i) commit fraud or misrepresent services performed;

(ii) divide a fee or accept or give anything of value for receiving or making a referral;

(iii) violate a position of trust by knowingly committing any act detrimental to a client;

(iv) exploit in any manner the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;

(v) engage in or solicit sexual relations with a client, or commit an act of sexual misconduct or a sexual offense if such act, offense or solicitation is substantially related to the qualifications, functions, or duties of the licensee;

(vi) condone or engage in sexual harassment. Sexual harassment is defined as deliberate or refuted comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient;

(vii) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age or national origin;

(viii) provide professional services while under the influence of alcohol or other mind altering or mood altering drugs which impair delivery of services; or

(ix) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading.

(b) All licensees shall:

(i) provide clients with accurate and complete information regarding the extent and nature of the services available to them;

(ii) terminate services and professional relationships with clients when such services and relationships are no longer required or where a conflict of interest exists;

(iii) make every effort to keep scheduled appointments;

(iv) notify clients promptly and seek the transfer, referral, or continuation of services pursuant to the client's needs and preferences if termination or interruption of services is anticipated;

(v) attempt to make appropriate referrals pursuant to the client's needs;

(vi) obtain informed written consent of the client or the client's legal guardian prior to the client's involvement in any research project of the licensee that might identify the client or place them at risk;

(vii) obtain informed written consent of the client or the client's legal guardian prior to taping, recording, or permitting third party observation of the client's activities that might identify the client or place them at risk;

(viii) safeguard information provided by clients. Except where required by law or court order, a licensee shall obtain the client's informed written consent prior to releasing confidential information; and

(ix) disclose to and obtain written acknowledgement from the client or prospective client as to the fee to be charged for professional services and/or the basis upon which the fee will be calculated. (History: 37-22-201, 37-23-103, MCA; IMP, 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA; NEW, 2003 MAR p. 2294, Eff. 10/17/03, TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapters 9 through 20 reserved

Sub-Chapter 21

Continuing Education For Social Workers

24.219.2101 HOURS, CREDITS, AND CARRY OVER (1) Each social work licensee of the board of social work examiners and professional counselors shall earn 20 clock hours of accredited continuing social work education for each year after 1985. Clock hours or contact hours shall be the actual number of hours during which instruction was given.

(2) A maximum of 10 clock hours may be given for the first time preparation of a new course, in-service training workshop or seminar which is related to the enhancement of social work practice, values, skills and knowledge; or a maximum of 10 clock hours credit may be given for the preparation by the author or authors of a professional social work paper published for the first time in a recognized professional journal or given for the first time at a statewide or national professional meeting.

(3) If a licensee completed more than 20 hours of continuing education after 1985, excess hours in an amount not to exceed 20 hours may be carried forward to the next year.

(4) Any licensee may apply for an exemption from the continuing social worker education requirements of these rules by filing a statement with the board setting forth good faith reasons why he or she is unable to comply with these rules and an exemption may be granted by the board.

(5) Social work applicants licensed before July 1 of the renewal year will be required to fulfill the 20 hour requirement. Those licensed after July 1 are required to obtain one half of the 20 hour requirement; and those licensed after October 1, will not be required to obtain continuing education credits for renewal. (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-306, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2102 and 24.219.2103 reserved

24.219.2104 ACCREDITATION AND STANDARDS (1) The following standards shall govern the approval of continuing social work education activities by the board:

(a) They shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's professional competence as a social worker.

(b) They shall constitute an organized program of learning dealing with matters directly related to the practice of social work, professional responsibility or ethical obligations of social workers.

(c) Providers of continuing social work education shall apply to the board for accreditation.

(d) Applicants shall demonstrate that the offered course complies with the standards.

(e) The board, in its discretion, may determine the number of hours acceptable for any continuing education credit. (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-306, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2105 and 24.219.2106 reserved

24.219.2107 REPORTING REQUIREMENTS (1) Each licensee shall submit an affidavit on a form approved by the board attesting to the number of accredited continuing education hours completed each year. Said affidavit shall be filed as part of licensee's renewal.

(2) Licensees and course providers may inquire in advance of continuing education activity for board accreditation.

(3) The board shall appoint a continuing education review committee which shall assist the board in approving courses, papers, workshops and other activities designed to meet continuing education requirements of licensed social workers. (History: 37-23-103, MCA; IMP, 37-23-205, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2108 and 24.219.2109 reserved

24.219.2110 CONTINUING EDUCATION NONCOMPLIANCE (1) In the event that a licensed social worker shall fail to comply with these continuing education rules in any respect, the board shall promptly send a notice of noncompliance. The notice shall specify the nature of the noncompliance and state that unless the noncompliance is corrected or a request for a hearing before the board is made within 60 days, the statement of noncompliance shall be considered grounds for suspension or revocation. (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-306, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 22

Continuing Education For Professional Counselors

24.219.2201 HOURS, CREDITS AND CARRY OVER (1) Each licensee of the board of social work examiners and professional

counselors shall earn 20 clock hours of accredited continuing professional counselor education for each year after 1986. Clock hours or contact hours shall be the actual number of hours during which instruction was given.

(2) A maximum of 10 clock hours may be given for the first time preparation of a new course, in-service training workshop or seminar which is related to the enhancement of professional counselor practice, values, skills and knowledge; or a maximum of 10 clock hours credit may be given for the preparation by the author or authors of a professional counselor paper published for the first time in a recognized professional journal or given for the first time at a statewide or national professional meeting.

(3) If a licensee completes more than 20 hours of continuing education after 1986, excess hours in an amount not to exceed 20 hours may be carried forward to the next year.

(4) Any licensee may apply for an exemption from the continuing professional counselor education requirements of these rules by filing a statement with the board setting forth good faith reasons why he or she is unable to comply with these rules and an exemption may be granted by the board.

(5) Professional counselors licensed before July 1 of the renewal year will be required to fulfill the 20 hour requirement. Those licensed after July 1, are required to obtain one half of the 20 hour requirement; and those licensed after October 1, will not be required to obtain continuing education credits for renewal. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-306, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1989 MAR p. 320, Eff. 2/24/89; AMD, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2202 and 24.219.2203 reserved

24.219.2204 ACCREDITATION AND STANDARDS (1) The following standards shall govern the approval of continuing professional counselor education activities by the board:

(a) They shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's professional competence as a professional counselor.

(b) They shall constitute an organized program of learning dealing with matters directly related to the practice of professional counseling, professional responsibility or ethical obligation of professional counselors.

(c) Providers of continuing professional counselor education shall apply to the board for accreditation.

(d) Applicants shall demonstrate that the offered course complies with the standards.

(e) The board, in its discretion, may determine the number of hours acceptable for any continuing education credit. (History: 37-1-319, MCA; IMP, 37-1-306, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2205 and 24.219.2206 reserved

24.219.2207 REPORTING REQUIREMENTS (1) Each licensee shall submit an affidavit on a form approved by the board attesting to the number of accredited continuing education hours completed each year. Said affidavit shall be filed as part of licensee's renewal.

(2) Licensees and course providers may inquire in advance of continuing education activity for board accreditation.

(3) The board shall appoint a continuing education review committee which shall assist the board in approving courses, papers, workshops and other activities designed to meet continuing education requirements of licensed professional counselors. (History: 37-1-131, 37-23-103, MCA; IMP, 37-23-101, 37-23-103, 37-23-205, 37-23-211, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2208 and 24.219.2209 reserved

24.219.2210 CONTINUING EDUCATION NONCOMPLIANCE (1) In the event that a licensed professional counselor shall fail to comply with these continuing education rules in any respect, the board shall promptly send a notice of noncompliance. The notice shall specify the nature of the noncompliance and state that unless the noncompliance is corrected or a request for a hearing before the board is made within 60 days, the statement of noncompliance shall be considered grounds for suspension or revocation. (History: 37-1-319, MCA; IMP, 37-1-306, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 23

Unprofessional Conduct

24.219.2301 UNPROFESSIONAL CONDUCT FOR SOCIAL WORKERS

(1) Violation of any of the following constitutes unprofessional conduct:

(a) Misrepresent the type or status of license held by the licensee.

(b) Intentionally cause physical or emotional harm to a client.

(c) Misrepresent or permit the misrepresentation of his or her professional qualifications, affiliations or purposes.

(d) Have sexual relations with a client, solicit sexual relations with a client or to commit an act of sexual misconduct or a sexual offense if such act, offense or solicitation is substantially related to the qualifications, functions or duties of the licensee.

(e) Engage in sexual acts with a client or with a person who has been a client within the past 18 months. A licensee shall not provide social work services to a person with whom the

licensee has had a sexual relation at any time.

(f) Perform or hold himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(g) Permit a person under his or her supervision or control to perform or permit such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.

(h) Prior to the commencement of treatment, fail to disclose to the counselee, or prospective counselee, the fee to be charged for the professional services, or the basis upon which such fee will be computed. (History: 37-1-131, 37-1-319, 37-22-201, MCA; IMP, 37-1-306, 37-22-201, MCA; NEW, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2302 through 24.219.2304 reserved

24.219.2305 UNPROFESSIONAL CONDUCT FOR PROFESSIONAL COUNSELORS (1) Violation of any of the following constitutes unprofessional conduct:

(a) Misrepresent the type or status of license held by the licensee.

(b) Intentionally cause physical or emotional harm to a client.

(c) Misrepresent or permit the misrepresentation of his or her professional qualifications, affiliations or purposes.

(d) Have sexual relations with a client, solicit sexual relations with a client or to commit an act of sexual misconduct or a sexual offense if such act, offense or solicitation is substantially related to the qualifications, functions or duties of the licensee.

(e) Engage in sexual acts with a client or with a person who has been a client within the past 18 months. A licensee shall not provide licensed professional counselor services to a person with whom the licensee has had a sexual relation at any time.

(f) Perform or hold himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(g) Permit a person under his or her supervision or control to perform or permit such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.

(h) Prior to the commencement of treatment, fail to disclose to the counselee, or prospective counselee, the fee to be charged for the professional services, or the basis upon which such fee will be computed. (History: 37-1-319, 37-23-103, MCA; IMP, 37-1-316, 37-1-319, MCA; NEW, 1986 MAR p. 662,

Eff. 4/25/86; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Sub-Chapter 24

Complaint Procedures

24.219.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board, which shall include a statement on release of confidentiality and shall require a notarized signature by complainant.

(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response to be received within 20 calendar days from the date licensee receives the request for response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken. (History: 37-22-201, 37-23-103, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)

Rules 24.219.2402 and 24.219.2403 reserved

24.219.2404 SCREENING PANEL (1) The board screening panel shall consist of a minimum of three board members, as chosen by the chairman. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-22-201, 37-23-103, MCA; IMP, 37-1-307, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477.)